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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,158	Applicant(s) STOCKER ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 0202.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/23/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 3/1/2002.
2. Claims 1-26 are pending in the case, claims 1 and 14 are independent claims.
3. Acknowledgement is made to the applicant's submission of an Information Disclosure Statement, filed 12/23/2002.

Priority

4. Applicant's claim for domestic priority of US provisional application 60/273,158, filed 3/1/2001, under 35 U.S.C. 119(e) is acknowledged.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "154" on page 13, line 3 (in reference to Figure 9).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 2178

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "66" in Figure 5.
- "66" in Figure 6.
- "112" and "122" in Figure 7.
- "156" in Figure 9.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The disclosure is objected to because of the following informalities:
- The disclosure recites "*personal data 20*" (page 6, paragraph 26). Reference sign 20 in Figure 2 is directed toward "*Existing Data*".
 - The disclosure recites "*The servers may also include content delivery servers 114 and 124*" (page 10, paragraph 37). Reference signs 114 and 124 in Figure 7 are directed toward "*DB*" (i.e. database).

Art Unit: 2178

- The disclosure recites "*The servers also include databases or computer memory storage devices 114, 124 and 128*" (page 10, paragraph 37). The use of the same reference sign to designate multiple inventive features is unclear. Clarification is required.
- The disclosure recites those reference signs listed in paragraph 5 above, which are not shown in the drawings.
- The disclosure fails to disclose those reference signs listed in paragraph 6 above, which are shown in the drawings.

Appropriate correction is required.

8. The use of the following trademarks has been noted in this application:

- "*StoryServer*" on page 7, paragraph 28 and page 9, paragraph 33.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. "

10. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
11. Claim 24 recites the limitation "*the at least one member*" in second line of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 24 is dependent upon claim 14. Claim 14, however, does include a limitation directed toward "*member*" and "*members*".

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

13. Claims 1-3, 5-8, 14 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinard et al. US Patent 5,940,834, filed 3/13/1997, patented 8/17/1999 (hereinafter Pinard).

14. **Regarding independent claim 1**, Pinard discloses a personal web page generator. Pinard recites: *"The web page generator of the present invention provides automatic web page creation of an organizational directory"* (column 1, lines 52-53). Pinard discloses an application server in Figure 1 at reference sign 120. Pinard discloses the management of content. Pinard recites: *"The directory application in the preferred embodiment may be written in any appropriate computer language that provides for data entry and control, and storage of information"* (column 4, lines 12-16). Pinard discloses the use of a web page template. Pinard recites: *"creating and saving a member web page template and parent web page template each containing fields for storing specific information"* (column 2, lines 4-6).

Pinard discloses a database of personal data. Pinard recites: *"inputting member information into a directory database for each of a plurality of members"* (column 2, lines 7-8). Pinard discloses a database for members of a sales force in Figure 4A at reference sign 325 (shown as *"Sales Manager"*). Pinard discloses in Figure 1, the database (shown at reference sign 125) in communication with the application server (shown at reference sign 120).

Pinard discloses the population of the template with the data from the database. Pinard recites: *"for each of the plurality of members replacing the fields in the member web page template with the member information and saving the member web page template with the fields replaced with the member information as a member specific web page"* (column 2, lines 11-15). Pinard discloses the web page accessible through a publicly distributed network. Pinard recites: *"Directory web pages generated by the present invention are stored in computer memory 130 of web server 110 and are made accessible to local user 160 and/or remote user 170 at the discretion of the administrator of the web server 110"* (column 3, lines 55-58).

15. **Regarding dependent claim 2**, Pinard discloses in Figure 1 the use of a production server (shown at reference sign 110 as *"Web Server"*) in communication (the connection shown at reference sign 140) with the application server (shown at reference sign 120). Pinard disclose the production server generating and storing web pages. Pinard recites: *"FIG. 1, web server 110 is connected to local area network 140. Web server 110 is a standard Internet or Intranet computing machine, as is well known in the art,*

that is capable of displaying web pages of Hypertext Markup Language (HTML) format. HTML is a markup system used to create Hypertext documents" (column 3, lines 33-38).

16. **Regarding dependent claim 3**, Pinard discloses the use of an additional server in Figure 1 at reference sign 180 (Shown as PBX). Pinard discloses the use of the PBX to generate web pages. Pinard recites: *"PBX 180 from a local user 160 or remote user 170 may be provided for enhanced telephony notification and control via the web pages generated by the method of the present invention. This allows for additional functionality and features such that a sophisticated organizational web page directory may be generated by the method of the present invention"* (column 9, lines 34-40).
17. **Regarding dependent claim 5**, Pinard discloses biographical information as personal data in Figure 4A at reference sign 320 (shown as *"Title"*).
18. **Regarding dependent claim 6**, Pinard discloses photos as personal data. Pinard recites: *"the directory application can be programmed to prompt the administrator to include a picture"* (column 4, lines 66-67).
19. **Regarding dependent claim 7**, Pinard discloses in Figure 8 at reference signs 715 and 798 a plurality of members.
20. **Regarding dependent claim 8**, Pinard discloses in Figure 4A at reference signs 330, 340 and 350 point of contact information.

Art Unit: 2178

21. **Regarding independent claim 14**, the claim is directed toward a method for the system of claim 1, and is rejected using the same rationale.
22. **Regarding dependent claim 19**, the claim is directed toward a method for the system of claim 7, and is rejected using the same rationale.
23. **Regarding dependent claim 20**, the claim is directed toward a method for the system of claim 5, and is rejected using the same rationale.
24. **Regarding dependent claim 21**, the claim is directed toward a method for the system of claim 6, and is rejected using the same rationale.
25. **Regarding dependent claim 22**, Pinard discloses in Figure 4A at reference signs 325 manager information (shown as "*Sales Manger*").

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

“(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

27. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard in view of Graham et al. US Publication 2004/0205537, filed 10/19/2001, published 10/14/2004 (hereinafter Graham).

28. **Regarding dependent claim 4**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose a personal database that tracks the employment status of the member and using the status to affect the functionality of the system. Graham teaches the capture and use of the member employment status. Graham recites: *“User management process 208 may be used to create, update, and access the information in the user records. As indicated above, this information may include personal information relating to the user, such as the user's name, address, date of birth, gender, social security number, etc., employment data relating to the user, such as the user's employment status (active, retired, fired, etc.)”* (page 3, paragraph 32).

Art Unit: 2178

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to capture and use the employment status of a member as taught by Graham with Pinard's personal web page system in order to "*control access to intellectual property, facilitate use and integration of the intellectual property*" (Graham, page1, paragraph 12).

29. **Regarding dependent claim 18**, the claim is directed toward a method for the system of claim 4, and is rejected using the same rationale.

30. Claims 9-13, 15-17 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinard in view of Kitain et al. US Patent 5,864,871, filed 1/28/1997, patented 1/26/1999 (hereinafter Kitain).

31. **Regarding dependent claim 9**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the information stored in the database as a business philosophy. Kitain discloses the storage and use of a business philosophy. Kitain recites: "*The actual contents (e.g., the corporate information) and the format of the actual contents as displayed in the contents frame is determined by the corporation itself. Thus, the "look and feel" of the actual contents may mirror the corporation's annual report and/or reflect the style, philosophy and vision of the corporation as seen by the corporation*" (column 8, lines 1-6).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use the business philosophy in the web

Art Unit: 2178

page as taught by Kitain with Pinard's personal web page system in order to *"provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations"* (Kitain, column 4, lines 15-18).

32. **Regarding dependent claims 10 and 11**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the use of live information (claim 10), where the live information is news reports (claim 11). Kitain discloses the use of live information as news reports. Kitain recites: *"In the representative embodiment, the contributor workstations execute a program called Multex Contributor.TM, described in detail in the user manual titled "MX Contributor--User Guide" available from Multex Systems, Inc. of New York, N.Y. and expressly incorporated herein by reference. The Multex Contributor.TM. program is a real-time Windows-based document indexing and transfer program used to disseminate reports"* (column 11, lines 55-62).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use live information in the web page as taught by Kitain with Pinard's personal web page system in order to *"provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations"* (Kitain, column 4, lines 15-18).

Art Unit: 2178

33. **Regarding dependent claim 12**, Pinard discloses a member webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the members as being members of a sales force of an investment broker. Kitain discloses an investment broker sales force. Kitain recites: *"As used herein, the terms "investor" and "user" include any end user who is permitted to receive or access information via the present invention, such as, for example, customers of brokerage and investment banking firms, employees of brokerage and investment banking firms, investment advisors, brokers, bankers, portfolio and fund managers, journalists, analysts, economists, university professors, MBA students, etc"* (column, 11, lines 35-42).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use financial consultant member information of a retail investment broker organization in the web page as taught by Kitain with Pinard's personal web page system in order to *"provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations"* (Kitain, column 4, lines 15-18).

34. **Regarding dependent claim 13**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the web page containing information about products. Kitain discloses the use of information of products: *"a corporation wishes to provide information on a*

Art Unit: 2178

controlled basis. For example, the corporation may want to provide information (e.g., detailed financial data or specialized product information)" (column 4, lines 48-51).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use product information in the web page as taught by Kitain with Pinard's personal web page system in order to *"provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations"* (Kitain, column 4, lines 15-18).

35. **Regarding dependent claim 15**, the claim is directed toward a method for the system of claim 12, and is rejected using the same rationale.

36. **Regarding dependent claim 16**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the web page being approved prior to release. Kitain discloses the approval of prior to release. Kitain recites: *"The corporation will then review and approve the final editorialized corporate template"* (column 43, lines 34-35).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to review and approve the web page as taught by Kitain with Pinard's personal web page system in order to *"provide the investors, portfolio managers and traders with additional information that*

Art Unit: 2178

would be useful in making investment decisions and recommendations"

(Kitain, column 4, lines 15-18).

37. **Regarding dependent claim 17**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose updating the web page. Kitain discloses updating the web page. Kitain recites: "*According to this embodiment, corporate information is acquired, indexed and updated*" (column 42, lines 64-65).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to update the web page as taught by Kitain with Pinard's personal web page system in order to "*provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations*" (Kitain, column 4, lines 15-18).

38. **Regarding dependent claim 23**, the claim is directed toward a method for the system of claim 10, and is rejected using the same rationale.

39. **Regarding dependent claim 24**, the claim is directed toward a method for the system of claim 9, and is rejected using the same rationale.

40. **Regarding dependent claim 25**, Pinard discloses a webpage generating system using a template from an application server combined with data from a personal database as described above. Pinard fails to disclose the web

Art Unit: 2178

page containing information to enhance customer perception of the qualifications of the members of the sales force. Kitain discloses the use of information to enhance customer perception of the qualifications of the members of the sales force in Figure 8 at reference sign 872 (shown as "*Global Commitment ...*").

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use information to enhance customer perception of the qualifications of the members of the sales force in the web page as taught by Kitain with Pinard's personal web page system in order to "*provide the investors, portfolio managers and traders with additional information that would be useful in making investment decisions and recommendations*" (Kitain, column 4, lines 15-18).

41. **Regarding dependent claim 26**, the claim is directed toward a method for the system of claim 11, and is rejected using the same rationale.

Art Unit: 2178

Conclusion

42. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-5,940,834	08-1999	Pinard et al.
• US-6,026,433	02-2000	D'Arlach et al.
• US-6,085,219	07-2000	Moriya, Koji
• US-6,185,587	02-2001	Bernardo et al.
• US-6,216,121	04-2001	Klassen, Christopher Laith
• US-6,219,680	04-2001	Bernardo et al.
• US-6,247,032	06-2001	Bernardo et al.
• US-6,263,352	07-2001	Cohen, Michael A.
• US-6,266,684	07-2001	Kraus et al.
• US-6,304,886	10-2001	Bernardo et al.
• US-6,308,188	10-2001	Bernardo et al.
• US-6,313,835	11-2001	Gever et al.
• US-6,345,292	02-2002	Daugherty et al.
• US-6,363,392	03-2002	Halstead et al.
• US-6,415,335	07-2002	Lowery et al.
• US-6,484,149	11-2002	Jammes et al.
• US-6,529,910	03-2003	Fleskes, David E.
• US-6,546,397	04-2003	Rempell, Steven H.
• US-6,560,639	05-2003	Dan et al.
• US-6,631,512	10-2003	Onyeabor, Gillis E
• US-6,651,108	11-2003	Popp et al.
• US-6,684,369	01-2004	Bernardo et al.
• US-6,697,825	02-2004	Underwood et al.
• US-6,701,343	03-2004	Kenyon, Jeffrey D.
• US-2001/0011235	08-2001	Kim et al.
• US-2001/0032092	10-2001	Calver, James
• US-2001/0037344	11-2001	Haji et al.
• US-2002/0016828	02-2002	DAUGHERTY et al.
• US-2002/0026336	02-2002	Eizenburg et al.
• US-2002/0073125	06-2002	Bier, Eric Allan
• US-2002/0082892	06-2002	Raffel et al.
• US-2002/0133637	09-2002	POPP et al.
• US-2003/0120659	06-2003	Sridhar, Mandayam Anandampillai

Art Unit: 2178

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
December 3, 2004



**STEPHEN S. HONG
PRIMARY EXAMINER**